

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HAROLD GOODMAN vs. LOWE'S HOME IMPROVEMENT and LOWE'S HOME CENTERS, LLC	CIVIL ACTION NO.
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NOTICE OF REMOVAL

TO: CLERK OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA:

Defendant, LOWE'S HOME CENTERS, LLC, by and through its attorneys, MINTZER, SAROWITZ, ZERIS, LEDVA & MEYERS, hereby removes the above-captioned case to this Honorable Court and provides notice of same to Counsel representing Plaintiff. In support of this Notice of Removal, the Defendant avers as follows:

1. On June 8, 2020, Plaintiff filed a Complaint in the Court of Common Pleas of Philadelphia County against Moving Defendant. See a copy of the Complaint attached hereto and marked as Exhibit "A."
2. Moving defendant was served on June 29, 2020.
3. Counsel for Moving Defendant was assigned the defense of the suit on July 3, 2020.
4. As provided by 28 U.S.C. §1446 (b)(1), the instant Notice is being filed on July 9, 2020. Thus, the instant Notice of Removal is timely filed.
5. In the Complaint, Plaintiff avers that he is domiciled at his Phoenixville, Pennsylvania address listed in the Complaint and, thus, he is a citizen of Pennsylvania. See Exhibit "A".

6. Defendant Lowe's Home Centers, LLC is a limited liability company registered in North Carolina. See Exhibit B, a true and correct copy of the declaration of William Ellison.

7. It is well established law that a limited liability company's citizenship for diversity purposes is defined by the citizenship of its members. Zambelli Fireworks Mfg. Co. v. Wood, 592 F.3d 412, 420 (3d Cir. 2010).

8. Lowe's Home Centers, LLC's sole member is Lowe's Companies, Inc. See Exhibit B.

9. Lowe's Companies, Inc. is a North Carolina corporation. See Exhibit B.

10. Lowe's Companies, Inc.'s registered office for service is 327 Hillsborough Street, Raleigh, North Carolina. See Exhibit B.

11. Lowe's Companies, Inc.'s principal place of business is 1000 Lowe's Boulevard NB4TA, Mooresville, North Carolina. See Exhibit B.

12. Therefore, for the purposes of diversity jurisdiction, Defendant adopts the citizenship of its single member, rendering it a citizen of North Carolina.

13. Plaintiff is a citizen of Pennsylvania and Moving Defendant is a citizen of North Carolina, both at the time of the filing of the Complaint, continuing to and including the time of the filing of this Notice of Removal.

14. Thus, there exists diversity of citizenship for this Court to have jurisdiction over this matter.

15. In the Complaint, Plaintiff seeks damages in excess of the Arbitration limits of \$50,000.00. See Exhibit "A."

16. Plaintiff specifically alleges that on July 31, 2018, he was injured at the Lowe's and as a result, allegedly suffered severe and multiple injuries. See Exhibit "A".

17. Based on the allegations in Plaintiff's Complaint, the amount in controversy is certainly alleged to be in excess of \$75,000.00. See Exhibit "A."

18. As such, the above-captioned civil action is one of which this Honorable Court has original jurisdiction pursuant to Title 28 United States Code §1332, based upon the fact that there exists diversity of citizenship between the parties and the amount in controversy is alleged to be in excess of \$75,000.00, and it is accordingly one which may be removed to this Honorable Court by Notice pursuant to Title 28 United States Code §1441.

WHEREFORE, Moving Defendant respectfully requests that the above action now pending in the Court of Common Pleas of Philadelphia County, Pennsylvania be removed to this Honorable Court.

MINTZER, SAROWITZ, ZERIS, LEDVA & MEYERS, LLP

BY: s/ David S. Cohen
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MSZL&M File No. 3830.251

Date: July 17, 2020

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CERTIFICATE OF SERVICE

I, DAVID S. COHEN, ESQUIRE, hereby certify that I caused to be served a copy of *Defendants' Notice of Removal* to all parties and/or their counsel of record in this proceeding in accordance with the requirements of the Rules of Civil Procedure via Electronic Mail on the 17th day of July, 2020. Service upon:

Sean M. Fulmer, Esquire
SCHATZ & STEINBERG, P.C.
1500 JFK Boulevard, Suite 1300
2 Penn Center
Philadelphia, PA 19102

MINTZER, SAROWITZ, ZERIS, LEDVA & MEYERS, LLP

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MSZL&M File No. 3830.270